

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RICHARD BUTZ & CARL BREECE,)	
)	
)	
Plaintiffs,)	
)	Civil Action No. 3:21-CV-684
vs.)	
)	
)	
)	
SANOH AMERICA, INC.,)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL OF CIVIL ACTION

Consistent with 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Sanoh America, Inc. (“Sanoh”), files this Notice of Removal of Civil Action from the Court of Common Pleas, Hancock County, Ohio in which it is pending. In support of removal, Sanoh states as follows:

1. Plaintiffs Richard Butz and Carl Breece filed a Summons and Complaint in the Court of Common Pleas, Hancock County, Ohio captioned Richard Butz and Carl Breece v. Sanoh America, Inc., Case No. 2021-CV-56 (“State Court Action”). Sanoh was served with the Summons and Complaint on March 1, 2021.

2. Plaintiffs’ Complaint alleges that their terminations were the result of age discrimination under the Ohio Revised Code and the Age Discrimination in Employment Act (“ADEA”). *See* Exhibit A. Plaintiffs further allege that timely charges of discrimination were filed with the Equal Employment Opportunity Commission (“EEOC”). *See* Exhibit A. Accordingly, this Court has original jurisdiction over Plaintiff’s ADEA claim under 28 U.S.C. §

1331, federal question jurisdiction, because the claim arises under the Constitution, laws, or treaties of the United States.

3. Plaintiffs' state law claims fall within the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367, because they all arise from Plaintiffs' employment with Sanoh. Therefore, these claims are based on a common nucleus of operative facts and are so related to Plaintiffs' ADEA claims that they form the same case or controversy.

4. Because this action satisfies the requirements of 28 U.S.C. § 1331, this Court has original and supplemental jurisdiction over all claims alleged in the Complaint, and this action may be removed to this Court consistent with 28 U.S.C. § 1441(a).

5. Venue of this removal action is proper under 28 U.S.C. § 1441(a) and 28 U.S.C. § 127(a) because this Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

6. The causes of actions set forth in the Complaint do not constitute non-removable actions under 28 U.S.C. § 1445.

7. Consistent with 28 U.S.C. § 1446(a), Sanoh has attached all process, pleadings and orders that have been filed, served, or received in this action. *See* Exhibit B.

14. This Notice of Removal is filed within thirty (30) days of service of the State Court Action and is timely under 28 U.S.C. § 1446(b).

15. Consistent with 28 U.S.C. § 1446(d), written notice of removal of this case (Exhibit C), together with a copy of this Notice will be filed with the Clerk of the Court of Common Pleas, Hancock County, Ohio and served on Plaintiffs.

Defendant, Sanoh therefore requests that this action be removed from the Court of Common Pleas, Hancock County, Ohio, and requests that this Court assume jurisdiction over the case.

This 26th day of March, 2021.

Respectfully submitted,

/s/ Faith C. Whittaker

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Attorney for Sanoh America, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** was served by electronic mail using the Court's CM/ECF system on all counsel or parties of record this 26th day of March, 2021.

Respectfully submitted,

/s/ Faith C. Whittaker

Faith C. Whittaker (OH 0082486)

Attorney for Sanoh America, Inc.